REMARKS

Claims 1-39 are pending in this application. Claims 1-23 and 34-39 are withdrawn. Claims 24-33 now stand rejected and Applicants offer the following remarks in response to the rejections.

The invention in this application relates to a nonwoven wet wipe which reconciles four competing issues that have made it difficult to formulate cellulosic nonwoven wet wipes having an antimicrobial agent that can be efficaciously applied to a surface. In particular, while antimicrobials such as benzalkonium chloride can be quite effective in combating common microbes, not only are they expensive, but governmental recommendations in effect limit the ***gross*** amount of benzalkonium chloride which may be included in a variety of products. Further, there are practical limitations on the amount of imbuement that can be carried by the wet wipe without excessive dripping.

However, when recommended concentrations of benzalkonium chloride or similar cationic antimicrobials are incorporated into the imbuements used for air-laid or other nonwoven substrates typically used for wet wipes, an undesirable interaction between the benzalkonium chloride and the anionic sites reduces the ***effective*** amount of benzalkonium chloride in the imbuement for the wet wipe below the amounts required for effective antimicrobial action. Thus, not only is the expensive benzalkonium chloride largely wasted; but the limitations imposed by governmental recommendations make the products largely ineffective. Surprisingly, even though the surfaces of the cellulosic fibers included in the nonwoven wet wipe are largely anionic, Applicants have found that by using either a nonionic or cationic binder, rather than the more commonly used anionic binders, it is possible to construct a nonwoven substrate having less than a specified charge level which when imbued with a controlled amount of imbuement will produce a wet wipe having significant antimicrobial activity while still observing strictures on the gross amount of benzalkonium chloride imposed by government recommendation.

The present claims stand rejected under Pregozen (US 5,141,803) in view of Noda et al. (US 4,785,030). However, Pregozen clearly teaches away from the use of benzalkonium chloride and other monomeric quats stating that they could not be used in the production of wipers as "the moistened wipes obtained had an unacceptable slippery feel which rendered them unsuitable for marketing." Further, when Pregozen uses benzalkonium chloride, the

concentration used is 0.038% which is far in excess of the governmental recommendation of 0.010 to 0.013% for human skin contact. Pregozen does not specify the charge of the web used nor does he suggest that some modification of his technique might be capable of applying anti-microbial action to a surface as he seems to be concerned with the more common issue of merely preserving the wet wipe itself against microbial during the storage period between manufacture and use. See col. 6, ll. 57-61.

Accordingly, Noda et al. must be looked at to remedy the deficiencies of Pregozen. However, Noda et al. does not deal with a nonwoven fabric, does not deal with wet wipe, does not deal with a wet wipe having specified anti-microbial activity and does not deal with the issue of how to incorporate an ***effective*** amount of an acceptable antimicrobial such as benzalkonium chloride into a nonwoven wet wipe while still observing the governmental strictures regarding the gross amount of benzalkonium chloride recommended for skin contact applications. Rather, Noda et al. deals with what are commonly referred to in the paper industry as wet strength resins, typically used in paper toweling such as kitchen roll towel to insure that the product will have sufficient wet integrity to be used in common household applications. Accordingly, it is submitted that nothing in Noda et al. remedies the deficiencies of Pregozen and therefore no reasonable combination of these two references can be said to make it obvious that a wet wipe which was suitable for human skin contact applications could be achieved by use of the presently claimed invention.

Applicants have earlier argued that Pregozen teaches away from the present invention. The examiner has disagreed stating that "IT IS HELD THAT PATENTS ARE RELEVANT AS PRIOR ART FOR ALL THEY CONTAIN'" and that "NONPREFERRED EMBODIMENTS CONSTITUTE PRIOR ART" citing Celeritas Technologies Ltd. v. Rockwell International Corp. Applicants, of course agree with this statement but submit that there is an important difference between Celeritas v. Rockwell in the present case, as the issue in Celeritas v. Rockwell was anticipation, while the issue in the present case is obviousness. It is respectfully submitted that when the issue is obviousness, 'teaching away' becomes highly relevant and, if ignored, should be considered an indicator of hindsight. In this case, the examiner is arguing that it is obvious to combine teachings from Pregozen with teaching from Noda but is ignoring critical disclosures in each. It is respectfully submitted that no proper obviousness rejection can

be formulated based on hindsight picking and choosing from teachings of the prior art but even if such a hindsight reconstruction is made, that reconstruction still does not meet the limitations of the present claims.

Similarly, the proposed combinations of Rabasco et al. or Mochizuki et al. with Pregozen and Noda et al. does not remedy the deficiencies of the underlying combination of Pregozen and Noda et al.

In light of the foregoing remarks, it is submitted that the present claims are allowable over the art of record. Allowance of all claims and passage of this case to issue is earnestly solicited.

Respectfully submitted,

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